

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

PHILIPS ELECTRONICS NORTH  
AMERICA CORPORATION, a  
Delaware corporation,  
KONINKLIJKE PHILIPS  
ELECTRONICS NV, a foreign  
corporation, and PHILIPS  
MEDICAL SYSTEMS (CLEVELAND),  
INC., a California  
corporation,

Plaintiffs and Counter  
Defendants,

v.

BC TECHNICAL, INC., a Utah  
corporation,

Defendant and Counter  
Claimant.

Case No. 2:08-CV-639-CW-SA

**ORDER GRANTING PLAINTIFFS  
AND COUNTER DEFENDANTS'  
MOTION FOR MONETARY  
SANCTIONS**

Plaintiffs and Counter Defendants (hereafter "Philips") have requested monetary sanctions to compensate it for the expenses it has incurred as a result of Defendant and Counter Claimant's (hereafter "BCT") spoliation of evidence and contempt of court. Based on the information set forth in this court's Report and Recommendation (Doc. 284) addressing Philips' motions for sanctions due to spoliation of evidence and contempt of court (see Docs. 135, 136, 174; hereafter "the three motions"),

including this court's analysis and findings therein, **IT IS HEREBY ORDERED** that Philips' request for monetary sanctions is **GRANTED**. BCT is ordered to pay Philips' attorney fees and costs resulting from (1) briefing the three motions, (2), participating in the evidentiary hearing associated with the three motions, and (3) participating in oral arguments on the three motions.

**IT IS ALSO ORDERED** that Philips submit a declaration documenting the fees, as described above, within fourteen days of the date of this order.

Finally, the court previously granted Philips' oral motion for attorney fees and costs associated with Philips' third motion to compel. (Docs. 85, 108, 111.) Having reviewed Philips' declaration of attorney fees and costs (Doc. 112) and BCT's objections to that declaration (Doc. 113), **IT IS HEREBY ORDERED** that BCT pay Philips fifteen thousand dollars (\$15,000.00) for attorney fees and costs associated with Philips' third motion to compel. To be clear, this \$15,000.00 award of attorney fees and costs is only related to Philips' third motion to compel; it does not affect the award of attorney fees and costs related to the three motions as described above.

DATED this 28th day of July, 2010.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Samuel Alba', is written over a horizontal line.

Samuel Alba  
United States Magistrate Judge